

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.)
)
 Plaintiffs,)
)
vs.) 05-CV-0329 TCK-SAJ
)
COBB FOODS, INC., et al.,)
)
 Defendants.)

**COBB-VANTRESS, INC.'S RESPONSES TO STATE OF OKLAHOMA'S
JULY 10, 2006 SET OF REQUESTS FOR PRODUCTION**

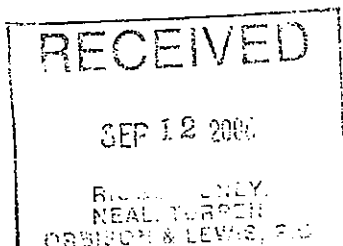
COMES NOW Defendant, COBB-VANTRESS, INC. (hereinafter referred to as "Defendant" or "Cobb"), and for its responses to State of Oklahoma's July 10, 2006 Requests for Production to Cobb-Vantress, Inc. states as follows:

GENERAL OBJECTIONS

1. Each of the following responses is made without waiving any objections Defendant may have with respect to the subsequent use of these responses or any documents identified in response to these requests.

2. Cobb objects to, and does not agree to subject itself to, the arbitrary and extraordinary "definitions" ascribed by the Plaintiff to certain terms as set forth in its July 10, 2006 Set of Requests for Production to Cobb-Vantress, Inc. To the extent that such terms appear in the Requests for Production of Documents and are in excess of the requirements of the Federal Rules of Civil Procedure, Cobb instead ascribes to the ordinary, everyday, and reasonably, commonly understood meanings which apply to such terms, and which also comply with the Federal Rules of Civil Procedure. Cobb objects to the definitions to the extent they assume facts

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not in evidence or are related to facts or contentions in dispute in this action. Cobb also specifically objects to the following definitions:

a. The definition of the term “You” is overly broad and includes within its scope persons and/or entities distinct from Cobb, and it includes within its scope persons who are protected from disclosure. Accordingly, Cobb submits these responses on behalf of itself and not for any other person or entity, including any person or entity that raises poultry under contract with Cobb.

b. The definition of the term “documents and materials” is overly broad. Cobb submits these responses consistent with the definition of “documents” set forth in Fed.R.Civ.P. 34(a).

c. The definition of the term “run-off/discharge/release” is overly broad, vague and misleading, and includes within its scope both acts of nature and volitional or negligent acts of persons, which cannot be characterized by a single term.

3. Cobb objects to any purported requirements of Plaintiff’s discovery requests that are beyond the requirements of the Federal Rules of Civil Procedure.

4. Cobb objects to each and every discovery request to the extent that it seeks a response, document, information, or item which is protected from discovery and privileged by reason of: (a) the attorney-client communication privilege; (b) the “work product” doctrine; (c) the “trial preparation” doctrine; (d) the joint defense or “co-party” privilege; or (e) any other applicable discovery rule or privilege.

5. Cobb objects to any discovery request that seeks a response or document that would disclose mental impressions, conclusions, opinions, or legal theories of any representative of or attorney for Cobb concerning this lawsuit.

6. Cobb objects to each and every request to the extent it seeks information or the identification of documents concerning any claims or occurrences other than the claims and occurrences set forth in Plaintiff's First Amended Complaint for which Plaintiff requests relief.

7. Cobb objects to each request to the extent it seeks or relates to information or the identification of documents which are available to the public, and thus, equally available to Plaintiff.

8. Cobb objects to each request to the extent it seeks or relates to information or the identification of documents which are protected as confidential business information and proprietary and confidential trade secrets.

9. When the following responses state that Cobb will produce certain documents, or that responsive documents will be produced for a particular time period, Cobb is not assuring or guaranteeing that such documents for the particular time period have in fact been located or identified for production.

10. Cobb incorporates as though fully restated herein all objections and limitations to responses made by every other Defendant to the corresponding request for production of documents.

11. The foregoing objections apply to each and every response herein. By specifically incorporating individual General Objections in any response, Cobb does not waive the application of the remainder of the General Objections to such response.

12. Cobb specifically reserves the following:

- a. all questions and objections as to the privilege, competency, relevance, materiality and admissibility of any documents identified in response to these requests;

- b. the right to object on any or all of the foregoing grounds or on any other proper ground to the use of these responses or documents produced hereunder in any hearing in this proceeding or in any subsequent suit or proceeding;
- c. the right to object on any and all proper grounds, at any time, to other discovery procedures involving or relating to these responses or documents produced hereunder disclosed herein; and
- d. the right, at any time, upon proper showing, to revise, correct, or clarify any of the responses set forth herein.

Subject to these objections and subject to any additional objections set forth hereinafter, Cobb responds to Plaintiff's July 10, 2006 Set of Requests for Production to Cobb-Vantress, Inc., as follows:

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents and materials reflecting, referring to or relating to any contracts between you and poultry growers located in the Illinois River Watershed ("IRW") since 1970, including the contracts themselves, any amendments or changes to the contracts considered, proposed or adopted thereto, and any drafts of the contracts, amendments or changes.

RESPONSE TO REQUEST NO. 1: Cobb objects to Request No. 1 because it is overly broad and unduly burdensome. Request No. 1 seeks the production of documents covering a time period of more than thirty-five years. Cobb does not retain records responsive to Request No. 1. for that length of time. Additionally, Cobb objects to Request No. 1 because it seeks the production of documents which are irrelevant and not likely to lead to the discovery of admissible evidence, as it requests documents older than the longest applicable statute of

REQUEST FOR PRODUCTION NO. 120: Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on soils or lands located within the IRW.

RESPONSE TO REQUEST NO. 120: Plaintiff has refused to produce documents in response to substantially similar requests issued by Cobb-Vantress. Cobb will supplement this response upon the final disposition of Cobb-Vantress' Motion to Compel. Until such final disposition of the Cobb-Vantress Motion to Compel, Cobb reserves any and all objections, privileges and protections otherwise available to Cobb with respect to this request.

REQUEST FOR PRODUCTION NO. 121: Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on surface waters located within the IRW.

RESPONSE TO REQUEST NO. 121: See objections and response to Request No. 120.

REQUEST FOR PRODUCTION NO. 122: Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on ground waters located within the IRW.

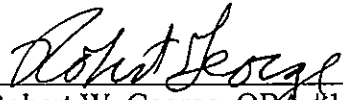
RESPONSE TO REQUEST NO. 122: See objections and response to Request No. 120.

REQUEST FOR PRODUCTION NO. 123: Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on edge-of-field run-off from lands located within the IRW.

RESPONSE TO REQUEST NO. 123: See objections and response to Request No. 120.

Respectfully Submitted,

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